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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/798,697

## Applicant(s)

BOPARDIKAR ET AL.

## Examiner

Alicia Baturay

## Art Unit

2446

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to the amendment filed 22 April 2009.
2. Claims 1 and 15 were amended.
3. Claims 6-14, 19 and 20 were cancelled.
4. Claims 1-5 and 15-18 are pending in this Office Action.

### ***Response to Arguments***

5. Applicant's amendments and arguments with respect to claims 1-5 and 15-18 filed on 22 April 2009 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.
6. ***Applicant Argues:*** Ramaswamy does not expressly or inherently disclose transcoding (or converting) data *before* it is requested by a media renderer.

***In Response:*** The examiner respectfully submits that the combination of Ramaswamy, Deshpande and Gilbert teaches wherein the media signals are converted by the discoverable home network transcoder server (the transcoder may be configured to demultiplex an incoming media content signal) before the media signals are requested by any of the more than one media renderers (after the transcoding has been performed, the transcoder may instead be stored in the memory by the server for consumption at a later time - see Ramaswamy, Fig. 4; pages 5-6, paragraph 34) in response to monitoring of the media server (server 24) and transcoding of new content when the new content becomes available on the

Art Unit: 2446

media server (Ramaswamy, Fig. 4; pages 5-6, paragraph 34). This renders the rejection proper, and thus the rejection stands.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaswamy et al. (U.S. 2006/0242325) in view of Deshpande (U.S. 2005/0086355) and further in view of Gilbert et al. (U.S. 2002/0073138).

Ramaswamy teaches the invention substantially as claimed including the transcoder, which is also coupled to the home network, is adapted to receive media content and metadata from a first media consumption device, to transcode the media content and metadata from a first format to second format, and to supply the transcoded media content and metadata to the second media consumption device in the second format (see Abstract).

9. With respect to claim 1, Ramaswamy teaches an article comprising: a storage medium comprising machine-readable instructions stored thereon to execute a discoverable home

network transcoder server (Ramaswamy, Fig. 1, reference numeral 22; page 2, paragraph 15) to communicatively couple to a media server to receive media signals from the media server (Ramaswamy, Fig. 1, reference numeral 24; page 2, paragraph 16), to convert the media signals to a format compatible with more than one media renderers, and to transmit the converted signals to the more than one media renderers (Ramaswamy, page 3, paragraph 24), wherein the media signals are converted by the discoverable home network transcoder server before the media signals are requested by any of the more than one media renderers (Ramaswamy, Fig. 4; pages 5-6, paragraph 34).

Ramaswamy does not explicitly teach use of a Universal Plug and Play protocol.

However, Deshpande teaches a server utilizing a Universal Plug and Play (UPnP) protocol (Deshpande, page 3, paragraph 37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ramaswamy in view of Deshpande in order to enable the use of a Universal Plug and Play protocol. One would be motivated to do so in order to enable a UPnP AV Media Server device to perform transcoding and/or protocol translation which improves interoperability and is therefore beneficial from the consumer point of view.

The combination of Ramaswamy and Deshpande does not explicitly teach monitoring and transcoding new content when new content becomes available.

However, Gilbert teaches in response to monitoring of the server (Gilbert, page 10, claim 24, lines 4-5) and transcoding of new content when the new content becomes available on the server (Gilbert, page 11, claim 24, lines 31-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ramaswamy and Deshpande in view of Gilbertin order to enable monitoring and transcoding new content when new content becomes available. One would be motivated to do so in order to enable to collect and process data records.

10. With respect to claim 2, Ramaswamy teaches the invention described in claim 1, including the article wherein the more than one media renderers comprise media renderers selected from the group consisting of a speaker, a video display, a video display/speaker combination, a flat panel monitor, a liquid crystal display screen, an audio speaker, a plasma screen television display, and a high definition television display (Ramaswamy, page 1, paragraph 13).
11. With respect to claim 3, Ramaswamy teaches the invention described in claim 1, including the article wherein the discoverable home network transcoder server further comprises a transrating module (Ramaswamy, page 4, paragraph 27; Fig. 5A, reference numerals 90 and 92 and Fig. 5B, reference numerals 120 and 122; page 4, paragraphs 29-30).
12. With respect to claim 4, Ramaswamy teaches the invention described in claim 1, including the article wherein the discoverable home network transcoder server comprises a software module to execute on the media server (Ramaswamy, Fig. 1, reference numeral 24; page 2, paragraph 16 and page 5, paragraph 34).

Art Unit: 2446

13. With respect to claim 5, Ramaswamy teaches the invention described in claim 4, including the article wherein the software module further comprises a transrating module (Ramaswamy, page 4, paragraph 27; Fig. 5A, reference numerals 90 and 92 and Fig. 5B, reference numerals 120 and 122; page 4, paragraphs 29-30).
14. With respect to claim 15, Ramaswamy teaches a method comprising: incorporating a home network media renderer by a client of a home network, the client being a module in a web browser having a network application program that supports a first media file format for the home network media renderer (Ramaswamy, page 4, paragraph 26); encoding the home network media renderer in the first media file format to support media files of the first media file format (Ramaswamy, page 4, paragraph 28); converting a media file to a second media file format before receiving a request for the media file (Ramaswamy, Fig. 4; pages 5-6, paragraph 34); requesting from a media server with the network application program of the client the media file in the second media file format (Ramaswamy, page 4, paragraph 26); and recognizing with a discoverable home network transcoder server that the media file is of the second media file format and converting the home network media renderer of the network application program to the second media file format prior to providing the media file to the web browser module of the client (Ramaswamy, page 4, paragraph 27).

Ramaswamy does not explicitly teach use of a Universal Plug and Play protocol.

However, Deshpande teaches a server utilizing a Universal Plug and Play (UPnP) protocol (Deshpande, page 3, paragraph 37).

Art Unit: 2446

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ramaswamy in view of Deshpande in order to enable the use of a Universal Plug and Play protocol. One would be motivated to do so in order to enable a UPnP AV Media Server device to perform transcoding and/or protocol translation which improves interoperability and is therefore beneficial from the consumer point of view.

The combination of Ramaswamy and Deshpande does not explicitly teach monitoring and transcoding new content when new content becomes available.

However, Gilbert teaches in response to monitoring of the server (Gilbert, page 10, claim 24, lines 4-5) and transcoding of new content when the new content becomes available on the server (Gilbert, page 11, claim 24, lines 31-32).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ramaswamy and Deshpande in view of Gilbert in order to enable monitoring and transcoding new content when new content becomes available. One would be motivated to do so in order to enable to collect and process data records.

15. With respect to claim 16, Ramaswamy teaches the invention described in claim 15, including the method wherein the client comprises a graphical user interface to contact the media server (Ramaswamy, page 4, paragraph 26).
16. With respect to claim 17, Ramaswamy teaches the invention described in claim 15, including the method wherein said incorporating the home network media renderer by the



Art Unit: 2446

client comprises providing a list of available media renderers and selecting the home network media renderer from the list of available media renderers (Ramaswamy, page 4, paragraph 28).

17. With respect to claim 18, Ramaswamy teaches the invention described in claim 17, including the method further comprising converting the selected home network media renderer to recognize the first media file format prior to passing the home network media renderer to the client (Ramaswamy, page 4, paragraph 27).

Art Unit: 2446

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2446

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay  
August 10, 2009

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446